

Michael Fuller, Oregon Bar No. 09357  
Trial Attorney for Plaintiff  
Eric Olsen, Oregon Bar No. 783261  
Of Attorneys for Plaintiff  
OlsenDaines, PC  
9415 SE Stark St., Suite 207  
Portland, Oregon 97216  
Email: [mfuller@olsendaines.com](mailto:mfuller@olsendaines.com)  
Office: (503) 274-4252  
Fax: (503) 362-1375  
Cell: (503) 201-4570

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**CAROLYN HAMMETT,**

Case No. 3:13-cv-78

Plaintiff,

v.

**ENHANCED RECOVERY COMPANY,  
LLC**, a Delaware limited liability company,  
and **CONVERGENT OUTSOURCING,  
INC.**, a Washington business corporation  
formerly doing business as **ER SOLUTIONS,  
INC.**

Defendants.

**COMPLAINT FOR VIOLATIONS OF  
THE FAIR DEBT COLLECTION  
PRACTICES ACT AND THE OREGON  
UNLAWFUL DEBT COLLECTION  
PRACTICES ACT**

**JURY TRIAL DEMANDED**

**15 U.S.C. § 1692 *et seq.*  
ORS 646.639 *et seq.***

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**COMPLAINT** - Page 1

**OlsenDaines, PC**  
9415 SE Stark St., Ste 207  
Portland, Oregon 97216  
Telephone (503)274-4252  
Facsimile (503) 362-1375

1.

Carolyn Hammett (“plaintiff”) alleges that at all times material:

2.

**JURISDICTION AND THE PARTIES**

This is a civil action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* and the Oregon Unlawful Debt Collection Practices Act (“OUDCPA”), ORS 646.639 *et seq.*

3.

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332 and 1367 because the FDCPA is federal law, the state law claims are so related to the FDCPA claims that they form part of the same case and controversy, and because true diversity exists between the parties and the amount in controversy requirement is met.

4.

Venue is proper in this district because the majority of the transactions and collections occurred here, plaintiff resides here, and defendants conduct business here.

5.

Plaintiff resided in Clackamas County, Oregon during all times material and is a “person” and a “consumer” as defined by the OUDCPA at ORS 646.639(1)(h) and (a).

6.

Plaintiff is also a “consumer” as defined by the FDCPA at 15 U.S.C. § 1692a(3).

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7.

Plaintiff entered into a consumer agreement with Comcast, resulting in an alleged “debt” as defined by the OUDCPA at ORS 646.639(1)(e) and the FDCPA at 15 U.S.C. § 1692a(5).

8.

Defendant Enhanced Recovery Company (“Enhanced”) is a Delaware limited liability company.

9.

Enhanced operates a debt collection business in various states, including Oregon, and is a “person” as defined by the OUDCPA at ORS 646.639(1)(h).

10.

Enhanced regularly collects Comcast’s consumer loan debts from Oregonians and is a “debt collector” as defined by the OUDCPA at ORS 646.639(1)(g) and the FDCPA at 15 U.S.C. § 1692a(6).

11.

Defendant Convergent Outsourcing Inc. (“Convergent”) is a Washington business corporation formerly doing business as ER Solutions, Inc. (“ER”).

12.

Convergent operates a debt collection business in various states, including Oregon, and is a “person” as defined by the OUDCPA at ORS 646.639(1)(h).

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13.

Convergent regularly collects Comcast's consumer loan debts from Oregonians and is a "debt collector" as defined by the OUDCPA at ORS 646.639(1)(g) and the FDCPA at 15 U.S.C. § 1692a(6).

14.

Enhanced, Convergent, and ER are referred to collectively in this complaint as "defendants".

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15.

**FACTUAL ALLEGATIONS**

Plaintiff is a 67 year old woman living alone in Clackamas County, Oregon.

16.

She suffers stage-four cancer.

17.

The cancer is in her lungs and cannot be operated on.

18.

In 2009 her doctor told her he didn't expect her to live more than a year.

19.

Her remaining time on Earth is very precious.

20.

In 2011 she canceled her consumer household communications services with Comcast.

21.

She immediately returned her Comcast equipment after canceling her services.

22.

After canceling her services and returning her equipment, defendants began harassing her to collect debt, at least a portion of which she did not owe.

23.

Upon information and belief, Enhanced and or Convergent fail to provide her notice of the correct name of the creditor to whom the debt is allegedly owed.

24.

She informs defendants that she disputes the debt.

25.

She informs defendants that she is represented by an attorney.

26.

She provides defendants her attorney's contact information.

27.

She tells defendants that she wishes for the harassment to stop.

28.

The harassment won't stop, leaving her no choice but to file this lawsuit for fair and just compensation.

29.

As a direct and proximate result of defendants' malicious and unlawful debt collection and harassment, she suffers severe ongoing anxiety of future harassment, annoyance, frustration, and other negative emotions to be proved at trial.

30.

As a direct and proximate result of defendants' malicious and unlawful debt collection and harassment, she suffers actual damages in the form of time spent and attorneys fees and costs.

31.

She is entitled to and so demands a trial by jury.

32.

**CAUSES OF ACTION**

**FIRST CLAIM FOR RELIEF**

(OUDCPA)

(ORS 646.641)

33.

Plaintiff re-alleges the above by reference.

34.

Defendants injure plaintiff through their willful and malicious use of unlawful collection practices as detailed above, violating the OUDCPA, specifically ORS 646.639(2)(e), (h), and (k).

35.

As a result of defendants' willful and malicious use of unlawful collection practices, plaintiff is entitled to the greater of actual damages or \$200, punitive damages, reasonable attorneys fees and costs, injunctive relief and declaratory relief pursuant to ORS 646.641.

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36.

**SECOND CLAIM FOR RELIEF**

(FDCPA)

(15 U.S.C. § 1692k)

37.

Plaintiff re-alleges the above by reference.

38.

Defendants injure plaintiff through their willful and malicious use of unlawful collection practices as detailed above, violating the FDCPA, specifically 15 U.S.C. § 1692c, e, f and g.

39.

As a result of defendants' unlawful collection practices, plaintiff is entitled to the greater of actual damages or \$1,000 and reasonable attorneys fees and costs pursuant to 15 U.S.C. § 1692k.

40.

Plaintiff is entitled to and so demands a trial by jury.

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**WHEREFORE**, plaintiff seeks judgment against defendants as follows:

- a. Injunctive relief enjoining defendants from further harassing plaintiff;
- b. Declaratory relief holding defendants in violation of the OUDCPA and FDCPA;
- c. An award of actual damages, statutory damages, punitive damages, and reimbursement of plaintiff's reasonable attorneys fees and costs; and
- d. For other such relief as this Honorable Court deems just and proper.

DATED: January 15, 2013

s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357  
Trial Attorney for Plaintiff  
Eric Olsen, Oregon Bar No. 783261  
Of Attorneys for Plaintiff  
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9415 SE Stark St., Suite 207  
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